

Serial No. 10/619,511

Attorney Docket No. 24-008

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REMARKS

Claims 1-9, 11-14 and 16 are pending. Claims 10 and 15 have been canceled. Claims 5-6 have been withdrawn. The applicants respectfully request reconsideration and allowance of this application in view of the following remarks.

Claims 1-4, 7-9 and 12-14 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 2,800,215, Converse ("Converse"). Claims 11 and 16 were rejected under 35 USC 103(a) as being unpatentable over Converse in view of allegedly well known art. The applicants respectfully request that these rejections be withdrawn for reasons including the following, which are provided by way of example.

According to the claims, e.g., claim 1, there is "a protective material provided longitudinally on and in continuous contact with a generally peripheral portion of the second surface of the base material, wherein the peripheral portion corresponds to a portion other than a principally used portion of the adhesive layer." (E.g., claim 1; see also independent claim 3.) Hence, the protective material is provided on a portion of the base material wherein the portion corresponds to a portion other than a principally used portion of the adhesive layer.

Without conceding that Converse discloses any feature of the present invention, Converse discloses a laminate sheet.

The office action asserts that Converse discloses the invention as claimed. To the contrary, Converse fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. According to Converse, the laminate sheet is attached to a platen (18) via the enter area of the pressure sensitive adhesive surface (11a) (Col. 3, lines 63-66). Therefore, the whole area of the pressure sensitive adhesive surface (11a) is a principally used portion. Consequently, the untacky margin portions (14a) are provided on the portion

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corresponding to a principally used portion of the pressure sensitive adhesive surface (11a), not on the portion which corresponds to a portion other than a principally used portion of the pressure sensitive adhesive surface (11a).

Converse fails to teach or suggest, for example, these elements recited in the independent claims. It is respectfully submitted therefore that the independent claims are patentable over Converse.

For at least these reasons, the combination of features recited in the independent claims, when interpreted as a whole, is submitted to patentably distinguish over the references of record. In addition, Converse clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claims 1 and 3, but also because of additional features they recite in combination.

Furthermore, in the rejection under 35 USC 103(a), the examiner appears to be relying on personal knowledge to support the finding of what is well known in the art. The taking of Official Notice is respectfully traversed, and the examiner is requested to provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. MPEP 2144.03 See 37 CFR 1.104(d)(2). An examiner cannot simply reach conclusions based on their own understanding, or experience, or assessment of what would be basic knowledge or common sense. Rather, there must be some concrete evidence in the record in support of these findings. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Moreover, the examiner's expertise "may provide sufficient support for conclusions [only] as to peripheral issues." *Id.* at 1385-86, 59 USPQ2d at 1697.

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It appears that the examiner is utilizing the noticed fact to provide a reason to modify Converse, hence, the noticed fact is clearly not a peripheral issue. Accordingly, it is inappropriate for the examiner to rely on official notice, and the examiner is requested to provide the above-mentioned affidavit or declaration.

The applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited references.

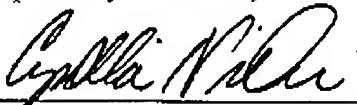
In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

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If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

  
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